

SENATE BILL NO. 334

INTRODUCED BY F. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE TAX ON TOBACCO PRODUCTS TO THE SALE FOR CONSUMPTION OF CIGARETTE ROLLING PAPERS BY REVISING THE DEFINITION OF "TOBACCO PRODUCT" TO INCLUDE CIGARETTE ROLLING PAPERS; PROHIBITING THE SALE OR DISTRIBUTION OF CIGARETTE ROLLING PAPERS TO PERSONS UNDER 18 YEARS OF AGE BY REVISING THE DEFINITION OF "TOBACCO PRODUCT" TO INCLUDE CIGARETTE ROLLING PAPERS; AMENDING SECTIONS 16-11-201 AND 16-11-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-11-201, MCA, is amended to read:

"16-11-201. Definitions. As used in this part, the following definitions apply, unless the context requires otherwise:

(1) "Moist snuff" means any finely cut, ground, or powdered tobacco, other than dry snuff, that is intended to be placed in the oral cavity.

(2) "Retailer" means any person other than a wholesaler who is engaged in the business of selling tobacco products to the ultimate consumer.

(3) "Sale" or "sell" means any transfer of tobacco products for a consideration, exchange, barter, gift, offer for sale, or distribution, in any manner or by any means.

(4) "Tobacco product" means a substance other than cigarettes that is intended for human consumption and that contains tobacco or is customarily consumed in conjunction with tobacco. The term includes cigarette rolling papers.

(5) "Wholesale price" means the established price for which a manufacturer sells a tobacco product to a wholesaler or any other person before any discount or other reduction.

(6) "Wholesaler" means any person who purchases tobacco products directly from the manufacturer or from any other person who purchases from the manufacturer and who acquires the products for sale to retail dealers."

Section 2. Section 16-11-302, MCA, is amended to read:

"16-11-302. Definitions. For the purposes of 16-11-301 through 16-11-308, the following definitions apply:

(1) "Distribute" means:

(a) to give, deliver, sample, or sell;

(b) to offer to give, deliver, sample, or sell; or

(c) to cause or hire another person to give, deliver, sample, or sell or offer to give, deliver, sample, or sell.

(2) "Health warning" means a tobacco product label required by federal law and intended to alert users of the product to the health risks associated with tobacco use. The term includes warning labels required under the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986.

(3) "License" means a retail tobacco product sales license.

(4) "Person" means a natural person, company, corporation, firm, partnership, organization, or other legal entity.

(5) "Tobacco product" means a substance intended for human consumption that contains tobacco or is customarily consumed in conjunction with tobacco. The term includes cigarettes, cigarette rolling papers, cigars, snuff, smoking tobacco, and smokeless tobacco."

NEW SECTION. Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 5. Applicability. [This act] applies to cigarette rolling papers in the possession of wholesalers on July 1, 2005.

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